

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHERIE SORENSON,

Plaintiff,

v.

OPINION and ORDER

KILOLO KIJAKAZI,
Acting Commissioner of Social Security.

21-cv-155-slc

Defendant.

Dana W. Duncan, counsel for plaintiff Cherie Sorensen, moves under 42 U.S.C. § 406(b) for a fee award of \$11,330. Dkt. 30. Sorenson was awarded \$51,351 in past-due benefits. Dkt. 30-2. Counsel's requested fee represents less than 25 percent of Sorenson's past-due benefits, so it falls within the amount allowed by statute and the parties' fee agreement. Dkt. 30-1. Counsel was previously awarded \$6,312.81 in fees under the Equal Access to Justice Act (EAJA). Dkt. 29. Counsel asks the court to award only the net amount of \$5,017.19, the difference between the total fee award and the EAJA award that he already received, and allow him to retain the EAJA award.

The Commissioner doesn't oppose the fee amount, which the court agrees is reasonable. Counsel seeks a fee award for 20.6 hours of attorney time at the hourly rate of \$550. Dkt. 30. This court has approved higher rates before under § 406(b). *See, e.g., Sol v. Kijakazi*, No. 20-cv-256-slc, Dkt. 29 (W.D. Wis. Sept. 29, 2021) (approving effective rate of \$573 per hour, noting it was "on the low side for such awards"); *DeBack v. Berryhill*, No. 17-cv-924-jdp, Dkt. 31 (W.D. Wis. May 4, 2020) (approving effective rate of \$800 per hour); *Fischer v. Saul*, No. 17-cv-327-jdp, 2019 WL 5310676 (W.D. Wis. Oct. 21, 2019) (approving effective rate of \$641 per hour). Counsel's requested fee is within bounds of what is reasonable in light of counsel's

experience, risk of non-recovery, the work performed, the results obtained, and the amounts awarded in similar cases. The court will grant counsel's motion.

ORDER

IT IS ORDERED that:

1. Counsel's motion for attorney fees under 42 U.S.C. § 406(b), Dkt. 30, is GRANTED.
2. The court approves representative fees under § 406(b) in the gross amount of \$11,330.
3. Counsel may retain the \$6,312.81 previously awarded in EAJA fees in partial satisfaction of the § 406(b) award.
4. The net amount of \$5,017.19 shall be disbursed by the Commissioner from any of plaintiff's past-due benefits being withheld and in accordance with agency policy.

Entered this 8th day of December, 2023.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge